

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sean Rodney Orth,

Plaintiff(s),

vs.

Phillip Duffy,

Defendant(s).

2:21-cv-01988-GMN-MDC

Order

Pending before the Court is plaintiff's *Motion for Clarification* ("Motion") (ECF No. 75). The Court liberally construes plaintiff's Motion as a *Motion for Marshal Service*. Plaintiff requests "clarification and an order to guide plaintiff...to finish service on defendants." The Court construes plaintiff's Motion as a request to help finish service on the remaining defendants. The Court will grant plaintiff's request for Marshal Service.

Accordingly,

IT IS ORDERED that:

1. The *Motion for Clarification* (ECF No. 75) which the Court liberally construes as a *Motion for Marshal Service* is GRANTED.
2. The Clerk of Court shall issue summonses for defendant Dr. David Rivas, and deliver the same, to the U.S. Marshal with the address provided under seal (ECF No. 77). The Clerk of Court shall send sufficient copies of the Complaint (ECF No. 38); the Screening Order (ECF No. 49); and this Order to the U.S. Marshal for service on defendant Dr. Rivas. The Clerk of Court is directed to send to plaintiff sufficient USM-285 forms.
3. Plaintiff has 20 days within which to furnish to the U.S. Marshal the required USM-285 forms and return it to the U.S. Marshal, 333 Las Vegas Blvd. South, Suite 2058, Las Vegas, NV 89101.

- 1 4. Within 20 days after plaintiff receives a copy of the completed USM-285 forms from the U.S.
2 Marshal, plaintiff must file a notice with the Court stating if defendant was served.

3 **NOTICE**

4 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
5 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
6 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985).

9 This circuit has also held that (1) failure to file objections within the specified time and (2) failure
10 to properly address and brief the objectionable issues waives the right to appeal the District Court's order
11 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157
12 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR
13 IA 3-1, the plaintiff must immediately file written notification with the court of any change of address.
14 The notification must include proof of service upon each opposing party's attorney, or upon the opposing
15 party if the party is unrepresented by counsel. Failure to comply with this rule may result in dismissal of
16 the action.
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18 DATED this 27th day of March 2024.

19 IT IS SO ORDERED.

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21 
22 Maximiliano D. Corvillier III
23 United States Magistrate Judge
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